

**A Plan**  
for the provision of a  
**Central Sewer System**  
for  
**Killearn Lakes Units I, II & IV**

and a  
**Model**  
for other areas of Leon County  
(Woodville, Centerville Trace, Harbinwood, etc.)

Prepared by  
**Leon County Public Works**  
August, 2003

**Purpose of Report**

This report presents a plan for the installation of a central sewer system (aka a "municipal" system) in the subdivision areas known as Killearn Lakes Units I, II and IV. The residents in this area are currently served with septic tanks which have demonstrated a phenomenal failure rate and the residents have appealed to County Government for assistance. It is also known that other areas of Leon County are similarly plagued by septic system failure and other operating deficiencies. These areas include the Woodville area, the Harbinwood area on the west shore of Lake Jackson and the Centerville Trace subdivision. These latter two areas have been identified in the Comprehensive Plan as areas where existing septic systems should be replaced with central systems. This report is intended to serve as a model for how a central system can be installed in those other areas as well.

**Background**

Leon County, like many Florida counties, has historically allowed land to be developed and occupied using septic systems. Leon County continues to allow such development in areas where central sewer is not available. Because the science associated with septic systems is well established and regulated, the vast majority of these developments have been successful and there is no known reason to terminate the practice.

Killearn Lakes, in its early stages of development and its original planning, intended to provide a central sewer system as a part of the development. However, at or about this same time, the Florida Legislature passed legislation allowing lots as small as one quarter acre and which are supplied by a central water system to be developed using septic tanks. The Killearn Lakes area met the new criteria and the development was converted to one based on septic tanks.

Within a very few years, however - and once the development became occupied with residences using septic tanks, rampant failure of those septic systems was observed. The local and state environmental agencies combined forces to study the problem in hopes of finding a solution. The results of that study effort was that, although the soil conditions that exist in the Killearn Lakes area meets all of the typical criteria for successful septic tank operation, they did not behave as such soils do in other areas. The study documented the fact that higher than usual water tables are typical in the area. That condition alone is sufficient to prevent proper septic tank operation. As a result of these findings, the County directed that there should be no further development of septic tank dependent homes in the area unless it can be documented that there will be no adverse impacts on existing septic facilities in the area. That direction brought new construction in the area to a virtual standstill for many years.

In recent years, however, developers have teamed with local consulting engineers to develop plans for residential construction that appeared to meet the criteria set forth by the County. These plans provided for raised septic systems on newly developed lots, and provided for drainage improvements that the engineers certified would not cause adverse impacts to existing development. Coincidental with the new development on these lots, Leon County began to receive more normal rainfalls, ending a drought condition that has lasted for 4 or 5 years. And new septic tank failures began to be reported with increasing frequency, resulting in the crisis condition now facing Leon County.

**Two-Thirds Program for Utilities**

In the 1980's Leon County worked with the Florida Legislature to have laws placed on the books allowing the County to offer the Two-Thirds Program to its citizens. The County established in its Code provisions for such programs in two places - one is in Chapter 16 of the Code and provides for Roads and Stormwater, the other is in Chapter 18 and provides for Water and Sewer (see attachment). This provision in County Code provides the means by which Leon County can respond to the needs of the citizens and assist them in those matters.

In summary, the Two-Thirds Program provides that citizens wishing to have improvements made can petition the County, asking that the County provide the improvements and agreeing that the citizens will pay for the cost of those improvements. The County will provide the citizens with the service of planning, design and construction of the improvements. Once completed, the County then obtains long term financing for the project costs, allowing the citizens to repay those costs over a sufficient period of time that will render the project affordable to them. Attached is a detailed analysis of the Two-Thirds process for additional reference.

The Two-Thirds Program is referred to by that name because the law stipulates that if a two-thirds majority votes in favor of the action, the ALL of the effected residents must participate. Unfortunately, almost every project that the County has done has had those who were not in favor of the project, but are obligated to thousands of dollars in cost as a result, who have opposed the project every step of the way. In spite of this condition, however, the County has been quite successful in bringing needed improvements to areas all over the county.

On the assumption that at least 66% of the effected Killearn Lakes homeowners are willing to pay a reasonable amount for the sewer improvements, the process is in place for a County response to the current septic system crisis. Given the circumstances, it would appear reasonable that Leon County would join forces with the Killearn Lakes HOA to spearhead a petition drive so that the County can address the issue without undue process.

The success of a petition drive will be largely dependent upon the presentation of cost information at this stage of project development. It has been the experience of the County that the most important factor in a successful Two-Thirds Project has been the initial project cost information provided to the interested citizens. If that number is too high, they will lose interest quickly. If the number is too low, they become involved and then are bitterly disappointed when actual costs exceed the initial projections. Unfortunately, at the time of a petition drive the costs are always approximations such as is presented in this report. Citizens must be informed early that the Two-Thirds Program provides that the citizens should pay all of the cost, regardless, and that those costs will not be known for sure until project completion.

Based on public discussions of recent days, some County officials have proposed that the County will contribute to the cost of a Killearn Lakes central sewer system project. The Two-Thirds Program has no prohibitions to that action and actually provides the vehicle for it. A Two-Thirds Project, once accepted, becomes a part of the County's Capital Improvements Budget and, as such, is available for funding through the budget process.

It is staff's opinion that County participation in the funding of this project would be well justified from the viewpoint of environmental issues and from the viewpoint of health and safety issues for its citizens. It is, however, for the Board to make the determination if it will participate in funding and, if so, to what extent. Any statements in this report regarding County participation in project cost are presented for example only, to provide reference data for the Board's use in that decision process.

### **Project Costs**

Project costs for a proposed Killearn Lakes Units I, II and IV Two-Thirds Sewer Project (KLTTSP) are greatly dependent on the type of facilities to be constructed, the treatment facilities to be used and the disposal facilities necessary for the project, and there are several options. These options also differ greatly in their function and convenience to the user as well as to the utility service provider. Accordingly, some discussion of the differences between the types of systems is in order before cost data can be projected. It is also to be noted that the quality of the service and system being offered will

significantly impact the success of a petition drive.

It must be understood that all cost figures presented herein are based on average costs from other projects. This cost information was provided by Talquin Electric Cooperative by letter dated June 10, 2003 (copy attached).

#### Collection System

There are essentially three options for providing sewer service to the KLTTSP. All options depend on the same treatment and disposal process, the differences lying in how the sewerage is collected from the individual homes and transported to the treatment facilities. This collection system is the part of the system that is constructed within the residential areas. The options for sewerage collection are discussed as follows:

*Conventional Gravity Collection System* - This is the type service used predominantly in most municipalities today. Sewer mains (8 inch to 21 inch pipes) are laid at a grade that allows them to drain to pumping stations by gravity. Homes connect with gravity services that function based on gravity's pull. Pumping stations lift the sewerage through pressure mains to a treatment facility. Typically, gravity systems are laid down the middle of a roadway and will vary in depth from 4 to over 20 feet. When installed in a residential area prior to roadway construction and other utility installations, it can be quite cost effective. However, installing such a system as a retrofit - after the roads and utilities are in place - can be very expensive because the cost of the sewer then comes to include the cost of rebuilding the roads and other utilities.

It is to be expected that the cost to construct a conventional gravity sewer system for the KLTTSP, assuming 1500 lots at \$8,000 per lot would be \$12,000,000.

*Low Pressure Sewer System* - This is the type of service used when gravity sewer is not available but there is reasonable expectation that gravity sewer may be available in the future. As such, it should be considered to be a temporary solution. The system consists of small mains (3 to 4 inch) laid along the edge of road at a depth of about 3 to 4 feet. Each home using the system must have a septic tank into which a grinder pump is installed with a three inch flexible pipe that connects from the pump to the "main" in the street. The pump grinds up the sewerage and pumps it into the pipe at the street. The combined pumping action pushed the sewerage along the roadside pipe to a larger pump station where it is transferred to a treatment facility as does the gravity system. This type of system is independent of ground topography because it does not depend on gravity to function, and is less damaging to streets because of the small, shallow trench it requires. The major drawbacks, however, are that the homeowners must maintain a septic tank (no drainfield), must pay the electric bill for the pump and must maintain and/or replace the grinder pump which can cost several thousand dollars in and of itself.

It is to be expected that the cost to construct a low pressure sewer system for the KLTTSP, assuming 1500 lots at \$5,000 per lot would be \$7,500,000. The bulk of this cost is the cost of the grinder pump that each homeowner would provide and replace every 3 to 5 years.

*Vacuum Sewer System* - This type of service is most often used to establish municipal level sewer service to homeowners in areas where gravity sewer is not feasible, such as low lying areas or retrofit projects. The system is similar to the Low Pressure system in that the mains are 3 to 4 inch diameter placed 3 to 4 feet below ground along the road edge. The differences are that the service connection consists of a "pot" placed at a lot corner that a homeowner can connect to with a gravity pipe as in the gravity system service. The utility owns and maintains the "pot" and

the equipment that brings the sewerage into the collection system. The utility also owns and maintains the vacuum system that causes the sewerage to be drawn to central locations for transfer to a treatment facility. Homeowners may abandon their septic tanks when connected to this type of service as it is no longer necessary. This type of system has been in use for over 30 years in America. Several municipalities in Florida are using, or plan to use, this type of system including Sarasota, Florida and St. Joe/Arvida for the Summer Camp project. It must be noted, however, that this type of system would create a need for a new type of operation and maintenance program to the utility that would operate it, and the support of the utility in its use is essential.

It is to be expected that the cost to construct a vacuum sewer system for the KLTTSF, assuming 1500 lots at \$4,000 per lot would be \$6,000,000

#### Treatment and Disposal Costs

The collected sewerage must be transferred to an approved sewage treatment facility to be processed before it can be disposed of at an approved disposal facility. There are two utility providers available for consideration to the KLTTSF, Talquin Electric Cooperative and the City of Tallahassee.

*Talquin Electric Cooperative* - Talquin officials advise that they believe that they can expand their existing treatment facility and associated appurtenances to accommodate the flows from the KLTTSF without significant difficulty. They have indicated that they would need to find and develop a location for disposal. Their current "system fee" of \$3,500 is intended to provide for these types of cost, and they advise that it should be sufficient for this project.

Accordingly, the cost for treatment and disposal by Talquin for 1500 lots would be \$5,250,000.

*City of Tallahassee* - City officials have not been contacted directly concerning the KLTTSF because it appears that Talquin is the obvious provider due to their holding the water service franchise for the area in question. It is known, however, that the City has existing treatment capacity that exceeds the needs of this project and that, if additional disposal is required, their Tram Road Sprayfield can be expanded to accommodate that need. The City also uses a "system fee" concept to cover the costs of treatment and disposal. Their current fee is not known at this time, but is believed to be at least \$3,500 and may exceed \$4,000.

Accordingly, the cost for treatment and disposal by the City would equal or exceed Talquin's cost.

*A Combined Alternative* - Staff have not broached this issue with either utility, but it is possible that, if Talquin had difficulty in developing their own treatment and disposal facilities, it may be possible for Talquin to serve as the primary utility provider and contract with the City of Tallahassee to send the sewerage to the City's treatment system at bulk rates. Talquin would probably need to establish special billing rates for the KLTTSF in such an arrangement, however, due to the costs of treatment and disposal not being within their control.

It is to be expected that this arrangement would cost more than if Talquin were to be the sole provider, but the extent of additional cost is not known at this time.

It should be noted that, for the County to be able to finance the costs for the homeowners, the County will have to pay directly for the cost of developing treatment and disposal to either provider. However, that payment may result in lesser cost due to bulk rates and the County's then being in a position to

participate in the cost and construction of any improvements so paid for.

#### Connection Costs to Homeowners

Assuming a conventional collection system is used, each homeowners connecting to the new system will have personal costs to make that connection. These are addressed as follows:

*Abandonment of Septic System* - The existing septic systems cannot be left in place. They become a health and safety hazard when improperly abandoned. The typical requirement is that the septic tank be pumped out, the lid be removed or broken in and the tank then filled with sand or earth. The drainfield can be left in place. The costs associated with this tasks can run from \$500 to \$750 per homeowner.

*Connection to New System* - to connect to the new system , a homeowner must hire a plumber to run a service pipe from their home to the service connection at the street. If the service connection is on the same side of the house as the septic tank, this is not a great cost issue. If they are not on the same side, the service pipe must be run around the house and becomes more expensive. Typically, the service connection will be on the low side of the property which is where the septic tank would be located, but there will be many variations in Killearn Lakes. The costs associated with connection can run from \$500 to \$1,000.

Since the County cannot pay for construction activities on private property, these costs must be borne by the homeowners. However, staff has had experience with similar situations in other communities and there is an opportunity for the County to assist in this cost. The County could set aside a portion of project funds to "rebate" homeowners who show documentation that they have connected to the new system. The homeowners could then receive a preset amount of money as repayment for their connection costs. An amount in the range of \$1,000 would probably be appropriate. This rebate program would have a finite life on the order of one year. People connecting after one year would not be eligible for the rebate. For 1500 lots and a one year limit, the County could set aside \$1,000,000 for rebates and include this amount in the project costs (assuming that not all 1500 lots will connect in the first year).

#### Cost Summary

Based on the above discussion the total project cost information can be summarized as follows:

Cost Item	Gravity	Low Pressure	Vacuum
Collection System	\$12,000,000	\$7,500,000	\$6,000,000
Treatment and Disposal	5,250,000	5,250,000	5,250,000
Connection Costs	1,000,000	1,000,000	1,000,000
Total Cost	\$18,250,000	\$13,750,000	\$12,250,000
Cost per Lot	\$12,170	\$9,170	\$7,900
15 year Annual cost (w/o interest)	\$811	\$611	\$527

(Cost Participation - Each \$1,500,000 contributed to the project costs will reduce the cost to homeowners by \$1,000.)

Staff is unable, at this time, to provide comment on the impacts to the project if the County or others

contribute to the project cost. On advice as to the particulars of that action, this report can be updated or revised. Consideration should be given, however, to the fact that \$7,900 is the amount any customer of Talquin or the City might have to pay to connect to their sewer system. As additional contributions are considered, equity should be kept in mind. But staff believes that additional contributions are justifiable due to the fact that these homeowners have paid for septic systems that have failed before their normal life expectancy and also the fact that the current situation is potentially harmful to the environment and the human population in the area. It should also be noted that new lot developments do not have the same investment in the problem as existing homeowners do. In fact, new lot septic systems lately have been costing up to \$15,000, so new lot development at a cost of \$7,900 would be a bargain.

### **Implementation**

Implementation of a two-thirds project for this Killearn Lakes area could begin immediately and without Board action. At present, the citizens have the right to ask and need to be informed of that right. If the County intends to make significant contributions, however, to the cost of the project, the Board may want to consider taking that action prior to initiating the petition drive. If it were to proceed starting immediately, without Board action, the steps in the project would be as follows:

#### **Petition Drive.**

The Killearn Lakes HOA could take the lead in a drive to get homeowners to formally place the issue before the Board. County staff can assist by providing petition forms and attending public meetings and other events to provide the information the people will need to make an informed decision. The cost information presented herein, or as modified by additional research, would be the information given to the public. Throughout the petition drive the public should be advised that the cost information is subject to change.

#### **Public Hearing**

When the petition is complete and has been verified by staff, staff would schedule a Public Hearing for the Board to consider the petition and authorize the project. The Board could make a determination at that time as to any cost participation it might share in.

#### **Joint Project Agreement**

If the project is approved, staff would work with the designated utility provider to draft a Joint Project Agreement through which the County and the Utility Provider would design and construct the project.

#### **Design and Construction**

These elements would continue with periodic reports to the Board and also public meetings to keep the citizens informed of the progress of the work and any cost revisions. It is assumed at this time that the County would have lead responsibility for design and construction with the input of the utility provider.

#### **Public Hearing**

On completion of construction, the County would hold a Public Hearing to review all costs associated and to assess the homeowners for their portion of those costs. The Board would determine the length of time that they would allow these costs to be financed. The Board would convey ownership of the completed system to the utility provider for perpetual maintenance and operation.



# TALQUIN ELECTRIC COOPERATIVE, INC.

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32353-1679

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Quincy, Florida  
32351-5679

Quincy: (850) 627-7651

Tallahassee: (850) 878-4414

June 10, 2003

Mr. Joseph L. Brown, III, PE  
Director of Engineering Services  
Leon County Public Works  
2280 Miccosukee Road  
Tallahassee, Florida 32308

Reference: Killearn Lakes Units 1 and 2  
Evaluation of Potential for Central Sewer System

Dear Mr. Brown:

This letter is sent in response to your letter dated April 3, 2003, regarding the potential for serving Killearn Lakes Unit 1 and 2 with a sanitary sewer system.

You are correct that this concept was previously addressed and thought to be too expensive for the property owners to afford. The installation cost of the collection system alone will be such that the existing homeowners; especially those that have no problems with their onsite systems; will think twice before investing. Add to that the cost to expand the plant for treatment and disposal, the costs become almost insurmountable. I am happy to hear the County is interested in participating by helping to fund part of the project if the contribution is reasonable and feasible.

We have made some preliminary investigations into this area needing a central sewer system. For the sake of this discussion, we have assumed that Killearn Lakes Unit 1 is comprised of that area between Deerlake Road to the north, Tekesta Road to the west, Bannerman Road to the South, and Kinhega Road to the East. Killearn Lakes Unit 2 includes the area west of Tekesta, south of Deerlake Road and Whitehead Plantation, east of Bull Headley Road and north of Bannerman Road. A map is attached to show these boundaries.

As best we can determine from recent County planimetric maps of the area, the number of parcels and the developed status is approximately as follows:

<u>Killearn Lakes Unit 1</u>	Developed lots – 450 Undeveloped lots – 250
<u>Killearn Lakes Unit 2</u>	Developed lots – 460 Undeveloped lots – 60
<u>Totals</u>	Developed lots – 910 Undeveloped lots - 310 Total number of lots – 1,220

*Serving Gadsden, Leon, Liberty And Wakulla Counties, Florida*



A more thorough investigation with current data may show the number of undeveloped lots to be slightly less and the number of developed lots to be slightly more.

To get an understanding of the basic sanitary sewer installation costs, we reviewed several developments built over the past several years. Some included smaller lots with greater density while others included larger lots with less density. All the developments included a gravity sanitary sewer system and most include a sewer pumping station. We found the cost per lot to be between \$1,200 and \$5,500. Discarding the lowest and highest cost, the range is \$1,550 to \$3,250 per lot with an average cost of approximately \$2,400 per lot.

Given the fact that a gravity sanitary sewer system installed within Killearn Lakes Units 1 and 2 would require clearing of existing green space, removing and replacing existing roadways and driveways, coordinating with existing underground utilities, and maintenance of traffic during construction, the cost could be up to three (3) or four (4) times more expensive.

You mentioned alternative methods of providing sanitary sewer service that include low pressure and vacuum systems. Talquin uses low-pressure systems to serve many areas; none of which are within the Killearn service area. Low-pressure systems include a pressure (force) main installed within the road rights-of-way. Each lot uses a grinder pumping station to pump sewage into the force main. As more and more sewage is introduced into the force main, the sewage makes its way to a common point of discharge, typically to a central high volume pumping station.

Low pressure systems have a distinct advantage in that the lines are installed in a similar fashion to water mains. Our experience indicates the force main installation could be approximately \$800 to \$2,000 per lot, depending on the density of the area served and the size of the main needed. However, the cost of the grinder pump station would be approximately \$3,500 per lot in addition to the force main installation cost making the total cost for a low pressure system range from \$4,300 to \$5,500 per lot.

The vacuum system is similar to a low-pressure system in that mains are installed within existing roadway. However, the installation cost is slightly higher given the care needed to construct the main in a special fashion not needed for other pressure piping installations. Additionally, special vacuum valves and a vacuum station are needed to evacuate the pipeline. We understand this type system has many installations in Florida. One in Englewood reportedly cost approximately \$4,000 per lot to construct.

Given the three (3) methods of providing sanitary sewer, we estimate the cost to install the collection system could be as low as \$6,000,000 to over \$8,000,000 including the cost of individual grinder pumps if a low pressure system were used. Obviously, a more detailed analysis of each alternative method is needed to determine which alternative is the most feasible.

Not included in the collection system cost is the cost to expand the wastewater treatment plant facility. The Killearn WWTF is currently permitted at 0.700 million gallons per day (mgd) with an average daily flow of approximately 0.400 mgd. The existing plant capacity is committed to developments already planned or under construction and does not include Killearn Lakes Units 1 and 2.

Mr. Joseph E. Brown, III, PE  
June 10, 2003  
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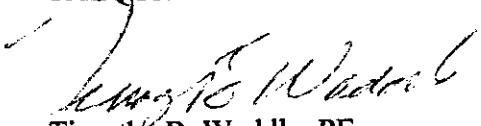
A wastewater treatment design standard of 350 gallons per day (gpd) is used for each residence served by the sanitary sewer system. Serving Killearn Lakes Units 1 and 2 would require an additional 427,000 gpd of plant capacity. We feel our site can accommodate enlarging the treatment plant for the additional flow, but our disposal facility is limited. Therefore, more land is needed for disposal of the treated effluent.

Generally, the current cost to serve an individual residence is approximately \$3,500. This "system fee" is charged to each and every residence requesting service and pays for the investment in the overall facility including wastewater treatment, disposal, and master pumping stations within the collection system. Therefore, the current cost to provide facility capacity for Killearn Lakes Units 1 and 2 will be approximately \$4,300,000.

Given that less than one fourth of all the lots within Units 1 and 2 may not be developed, some requirements to connect to the new system has to be considered. To operate and maintain such a massive system (in addition to our current commitments) will be costly. Having as few as a fourth of the total available lots connected to the system would certainly increase our expenses on a per lot basis. From our experience, those that have to pay a substantial portion of the cost to connect are less apt to if their onsite system is operating adequately. It could put a financial strain on our existing members and us if we have to carry the cost of this system expansion while awaiting future onsite system failures for new customers.

As you can see, the cost to serve Killearn Lakes Units 1 and 2 in its entirety could well exceed ten (10) million dollars. A more precise cost cannot be determined until a detailed study is performed. We appreciate your offer to assist us in this endeavor and look forward to further discussions on the matter. In the meantime, please feel free to contact us if you have any questions or to arrange a meeting so we can discuss moving forward.

Sincerely,  
TALQUIN ELECTRIC COOPERATIVE, INC.



Timothy B. Waddle, PE  
Director of Water Services

/tw

cc: Mark Stamp, TEC  
Gary Stallons, General Manager, TEC

# Leon County

ATTACHMENT # 1  
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## 2/3-2/3 Program

### Process Description

Phase	Activity	Duration		Potential Delays	Additional Comment
		Minimum	Maximum		
Preliminary Cost Estimate	Homeowner requests Preliminary Cost Estimate	N/A	N/A	N/A	Homeowners initiate the 2/3's process with this request. Note that a single individual can request an estimate to refer to in working with neighbors for support.
	PW Develop and issue Preliminary Cost Estimate	2 Weeks	6 Weeks	Staff workload may result in delays in starting work.	Preliminary Cost Estimates are quite preliminary and are typically based on a windshield survey of the site and many general assumptions as to the extent of work necessary to bring a road system to County standards.
Petition	Homeowners execute Petition for Improvements and submit for County action	2 Weeks	Several Years	Lack of interest by residents that prevents achieving 2/3 positive signatures	On more than one occasion an estimate has been held for several years and then used as the basis of a petition. Estimates are typically not valid after about 6 months.
	County reviews Petition for conformity with regulations	2 Weeks	6 Weeks	Staff workload may result in delays in starting work.	Staff must confirm that signatures are valid, the petition form is valid, signees' property abuts the road section being considered and that the number of signees equals or exceeds the number required by law.
	If Petition is accepted, continue to next step. If not, petition is returned to Homeowners for correction or further action	N/A	N/A	N/A	If a petition does not meet the criteria described above, it is returned to the submitting individual for correction.
Informal Board Approval	PW presents validated Petition to Board and requests authorization to acquire essential ROW	3 Weeks	8 Weeks	Staff workload may result in delays in preparing paperwork. Board meeting schedules vary during holiday and summer periods and can result in delays.	At this meeting the Board considers the request as presented in the petition. If accepted, the Board authorizes staff to work with the homeowners to place necessary basic right of way into County ownership.
	Essential ROW Acquired from Homeowners by donation	4 Weeks	52 Weeks	Timing of this activity is generally controlled by those who own the ROW and their willingness to cooperate with the process. Those Owners opposed to the project can cause extended delays by not cooperating.	This activity is facilitated when there is an HOA authorized to transfer property and the property needed is clearly defined as on a record plat. If the property needed is in individual ownership and there is no organization of the owners, County staff must contact and negotiate with each owner. Frequently, the 1/3 of the ownership who did not sign the petition will object and not cooperate at all. If the property needed is not defined legally and must be surveyed to develop legal descriptions, this step may be skipped until design is complete.
Formal Board Approval	First Public Hearing - Board accepts ROW donations and authorizes design, purchase of ROW, eminent domain authority if needed and project development	3 Weeks	8 Weeks	Staff attempts to give owners time to consider donation. Identification of the point in time when further donations will not occur can delay initiation of this step. Board meeting schedules vary during holiday and summer periods and can result in delays.	At this meeting the Board accepts into County ownership properties that have been donated and authorizes staff to acquire remaining property by purchase or by eminent domain.
Design	Contract negotiation for Design Consultant	2 Weeks	6 Weeks	Time requirement is dependent on the complexity of the proposed project.	In rare occasions, construction improvements are minimal and design is performed by County staff.
	Project design is accomplished through 90% Plans completion. During this process additional ROW needs may be identified.	28 Weeks	52 Weeks	Time requirement is dependent on the complexity of the proposed project.	Consultants and staff work to contain necessary improvements within available rights of way while minimizing costs. Environmental constraints can result in unexpected impacts to cost and property requirements.
	Construction Permits applied for and Consultant works with permit agencies for permit issuance. Once issued, Construction plan are completed.	4 Weeks	12 Weeks	Time requirement is dependent on the complexity of the proposed project.	

**Sec. 18-42. Penalties.**

(a) Upon failure of any water or sewage disposal system user to pay, when required, all authorized charges, the use of such systems may be discontinued.

(b) Any person violating this article shall be punished in accordance with section 1-9.

(c) Any person may seek an injunction against the violation of any provision of this article.  
(Code 1980, § 22-17)

**Sec. 18-43. Water franchise areas.**

(a) The Board of County Commissioners hereby reaffirms and grants water franchise areas to the City of Tallahassee in an area or areas as specifically designated on the attached Exhibit A, which is adopted and incorporated into this ordinance by reference hereto.

(b) The Board of County Commissioners hereby reaffirms the granting of the water franchises to various franchisees other than the City of Tallahassee within the unincorporated areas of Leon County, Florida, in their current configuration, and in an area or areas as specifically designated on the attached map, Exhibit A, which is adopted and incorporated into this ordinance by reference hereto.

(c) Any and all other previously granted water franchises and/or franchise areas claimed by providers which are not specifically set forth in the Exhibit A, which is attached hereto and made a part hereof, are specifically hereby repealed and deleted in their entirety.

(d) The Board of County Commissioners of Leon County, Florida, hereby cancels, rejects and/or repeals all previous service area or zone awards and confirms that there exists no other agreement, either verbal or written, between Leon County and any other party or parties which would affect or grant such franchise areas or provide for the restrictions, regulations, and/or procedures for the use of such franchise areas.

(e) All current franchises and applicants for future franchise areas must fully comply with all provisions set forth in sections 18-26 through

18-60, Leon County Code of Laws, concerning such franchises.

(Ord. No. 93-7, § 1, 4-27-93)

**Sec. 18-44. Sewer franchise areas.**

(a) The Board of County Commissioners hereby reaffirms and grants sewer franchise areas to the City of Tallahassee in an area or areas as specifically designated on the attached map, Exhibit A, which is adopted and incorporated into this ordinance by reference hereto.

(b) The Board of County Commissioners hereby reaffirms the granting of the sewer franchises to various franchisees other than the City of Tallahassee within the unincorporated areas of Leon County, Florida, in their current configuration, and in an area or areas as specifically designated on the attached map Exhibit A, which is adopted and incorporated into this ordinance by reference hereto.

(c) Any and all other previously granted sewer franchises and/or franchise areas claimed by providers which are not specifically set forth in the Exhibit A, which is attached hereto and made a part hereof, are specifically hereby repealed and deleted in their entirety.

(d) The Board of County Commissioners of Leon County, Florida, hereby cancels, rejects and/or repeals all previous service area or zone awards and confirms that there exists no other agreement, either verbal or written, between Leon County and any other party or parties which would affect or grant such franchise areas or provide for the restrictions, regulations, and/or procedures for the use of such franchise areas.

(e) All current franchisees and applicants for future franchise areas must fully comply with all provisions set forth in sections 18-26 through 18-60, Leon County Code of Laws concerning such franchises.

(Ord. No. 93-8, § 1, 4-27-93)

**Sec. 18-45. Reserved.**

**DIVISION 2. IMPROVEMENTS**

**Sec. 18-46. Provisions cumulative.**

This division is declared to provide an additional and supplemental remedy and shall not operate to repeal any existing law.

(Ord. No. 93-6, § 2, 4-27-93)

## UTILITIES

§ 18-50

**Sec. 18-47. Petition; generally.**

Whenever two-thirds of the owners of two-thirds of the property within a subdivision or residential tract of property in the unincorporated area of the county shall present to the Board of County Commissioners a petition signed by them requesting that their properties be especially benefited by the acquisition of additional right-of-way, utility easements, or by the installation of a potable water system or sanitary sewer system or any combination thereof, the Board of County Commissioners shall consider such petition, and if the Board of County Commissioners determines that the properties will be especially benefited to the extent of the liens for such special improvements as is hereinafter provided, it may approve the petition, order such special improvements to be made and assess liens equitably against the property for the cost of such special improvements, together with all administrative and funding costs incurred in connection therewith.

(Ord. No. 93-6, § 2, 4-27-93)

**Sec. 18-48. Notice to public; hearing.**

Upon presentation of a petition under this article, the Board of County Commissioners shall publish, at least once, in a newspaper of general circulation in the county, a notice stating that at a regular meeting of the Board of County Commissioners on a certain day and hour, to be held at least ten days after the publication, the Board of County Commissioners will hear all interested persons on the special improvements proposed in the petition. The notice shall state in general terms a description of the proposed special improvements, the locations, the estimated cost thereof, and the description of the property specially benefited against which the special assessment is to be made. A copy of the notice shall be mailed by certified mail to the record title holders of such property at the address shown on the most recent county property appraiser's ad valorem tax assessment roll, such notice to be mailed at least 14 days prior to the public hearing. At the time designated in the notice, the Board of County Commissioners shall hear all interested persons, and may then or thereafter reject the petition, or order, by resolution, all or any part of the special improvements sought by such petition as herein-

above provided and the levy of the special assessment lien upon the property specially benefited. The resolution shall contain the description of the property upon which the lien is imposed.  
(Ord. No. 93-6, § 2, 4-27-93)

**Sec. 18-49. Special assessment roll.**

Within such time as the Board of County Commissioners may determine following the completion of the special improvements and the determination of the total cost thereof, they shall prepare a special improvement assessment roll containing property descriptions and assessments of cost against each lot or parcel of land abutting such special improvement. Upon completion thereof, the Board of County Commissioners shall publish, at least once, in a newspaper of general circulation in the county a notice stating that such special improvement assessment roll has been completed and is on file and open to public inspection in the public works department. The notice shall further state that at a regular meeting of the Board of County Commissioners on a certain day and hour, to be held at least ten days after the date of publication, the Board of County Commissioners will hear all interested persons on the proposed assessments. Such notice shall state in brief and general terms a description of the special improvements and the location thereof. At such hearing or at a definite time thereafter to be announced at such hearing, the Board of County Commissioners shall by majority vote annul, sustain or modify, in whole or in part, the special improvement assessment roll according to the special benefits which the Board of County Commissioners determines each lot or parcel of land has received by virtue of such special improvements.

(Ord. No. 93-6, § 2, 4-27-93)

**Sec. 18-50. Special assessment lien; generally.**

Immediately after the determination of the assessments as hereinabove provided, the special improvement assessment roll, as sustained or modified, shall be filed in the office of the clerk of the Board of County Commissioners and such determination of assessments shall be final and conclusive, except as hereinafter provided. The Board of County Commissioners shall adopt a resolution

establishing the amount of the special improvement assessment liens against all such lots or parcels of land in accordance with the final assessment roll theretofore adopted, and authorizing the issuance of special improvement lien certificates as hereinafter provided. Such resolution shall include the legal description of each lot or parcel of land subject to such special improvement assessment lien, together with the amount of such lien according to the special improvement assessment roll. An executed copy of such resolution shall be recorded in the public records of the county not later than ten days after its adoption. Such resolution shall also state that such assessment liens are subject to modification in accordance with the provisions of this article. Notice shall be given that all such assessment liens shall become due and payable at the office of the tax collector of the county on a date to be determined by the Board of County Commissioners, which date shall not be before 30 days after the recording of such resolution in the public records of the county. The amount not paid within such period shall become payable in equal annual installments for a period of years, with interest at a rate, established by the Board of County Commissioners at a public hearing; provided, however, any assessment lien becoming so payable in installments may be paid at any time together with interest accrued thereon as of the date of payment.  
(Ord. No. 93-6, § 2, 4-27-93)

**Sec. 18-51. Lien for preliminary costs when improvements not constructed.**

If prior to adopting the resolution establishing the amount of the special improvement assessment liens against benefited properties in accordance with the final assessment roll, it is determined that the improvements shall not be constructed, the incidental costs associated with the preparation of the preliminary special improvement assessment roll including preliminary and other surveys, preparation of plans, specifications, and estimates, printing and publishing of notice and proceedings, authorization of lien certificates, legal services, engineering and fiscal fees, abstracts and any other expenses necessary or proper in connection therewith, shall be assessed against the lots which would have been improved if the

improvements had been constructed. An assessment roll assessing such costs on a pro rata basis shall be prepared and, following a public hearing in accordance with the notice provisions set forth hereinabove, the Board of County Commissioners shall adopt a resolution imposing liens against all such lots or parcels and authorizing the issuance of special lien certificates as hereinafter provided. The lien for such costs shall be of the same nature as set forth in Section 18-53, Leon County Code of Laws.

(Ord. No. 93-6, § 2, 4-27-93)

**Sec. 18-52. Acquisition costs of additional right-of-way.**

If to construct the improvement, it is necessary to acquire additional rights-of-way or utility easements, which cannot be acquired by gift, bequest or devise, the Board of County Commissioners is hereby authorized to include in the costs assessed against the benefited properties all costs of the acquisition of such additional rights-of-way or easements, including but not limited to, land acquisition, interest, attorney's fees and court costs.  
(Ord. No. 93-6, § 2, 4-27-93)

**Sec. 18-53. Nature of lien.**

All assessments for any special improvements made under the provisions of this article shall constitute liens upon the property especially improved and assessed from the date of the filing in the public records of the county of the resolution adopted by the Board of County Commissioners imposing special improvement assessment liens, and shall be of the same nature and to the same extent as liens for general county taxes and be collectible in the same manner with the same fees, interest and penalties for default in payment, and under the same provisions as to sale and forfeiture as apply to general county taxes. Collection of such special improvement assessment liens with such interest and penalties and with a reasonable attorney's fee may also be made by foreclosure in a court of equity, and it shall not be unlawful to join in any such suit for foreclosure any one or more lots or parcels of land, by whomsoever owned, upon which such liens are delinquent, if assessed for special improvements made under the provisions of this article; provided that failure to pay

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any installment of principal or interest of any assessment lien when such installment shall become due shall, without notice or other proceedings, cause all installments or principal remaining to be forthwith due and payable with interest due thereon at date of default; but if before the sale of the property for delinquent assessment lien payments, the amount of such delinquency shall be paid with all penalties, interest, costs and attorney's fees, further installments of principal shall cease to become due and payable and shall be due and payable at the times at which the same would be due if no such default had occurred.

(Ord. No. 93-6, § 2, 4-27-93)

**Sec. 18-54. Sale of liens.**

For the purpose of financing any of the special improvements made under the provisions of this division, the Board of County Commissioners may sell any or all of the special assessment liens assessed against the property benefited. Such liens shall be evidenced by special improvement lien certificates signed by the Chairman of the Board of County Commissioners and attested by its clerk or deputy clerk. The clerk, as directed by the Board of County Commissioners, may sell, dispose of or assign any such certificate to any person offering to buy same, such sale, however, to be made at not less than par of the principal of such certificate or certificates remaining then unpaid, together with accrued interest accumulated and computed to date of sale or assignment. All payments on such lien certificates shall be made directly to the county and the responsibility for enforcement of such liens may be that of the holder of the certificate or that of the Board of County Commissioners in the manner provided herein, as determined by resolution of the Board of County Commissioners. The holders of such special improvement lien certificates may sue in their own name or on behalf of the county to enforce such liens. Nothing in this article shall be deemed to prohibit the Board of County Commissioners from appointing an officer of the county to serve as paying agent and/or registrar with respect to any special improvement lien certificates issued pursuant hereto.

(Ord. No. 93-6, § 2, 4-27-93)

**Sec. 18-55. Labor and loans.**

The Board of County Commissioners may furnish the services, labor, material and equipment

necessary for the special improvements to be made or it may contract therefor with private parties. The Board of County Commissioners is authorized to borrow from any available source such sums of money as are necessary to defray the entire cost of such improvements; provided, however, the only security for such loan shall be the assignment of the special improvement lien certificates to be issued for such special improvements.

(Ord. No. 93-6, § 2, 4-27-93)

**Sec. 18-56. Error on special assessment roll.**

In case of any omission, error or mistake in the assessment roll, imposing special improvement assessment liens, or in issuing special improvement lien certificates the Board of County Commissioners may at any time correct such omission, error or mistake by resolution, upon its own motion, provided such correction does not impose a greater special improvement assessment lien on any such lot or parcel of land. Any such correction which increases any such improvement assessment lien on any lot or parcel of land or which adds any additional lot or parcels of land shall, in the absence of written consent by the property owners involved, be made only by reaccomplishing each and every procedural requirement of this division subsequent to the occurrence of such omission, error or mistake. Such procedure shall be required with regard only to those lots or parcels for which a lien is increased or initially established.

(Ord. No. 93-6, § 2, 4-27-93)

**Secs. 18-57—18-60. Reserved.**